



11 APR 2007

CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON MA 02110

In re Application of
MANALIS et al.
Application No. 10/669,883
Filed: September 23, 2003
Attorney Docket No. 0492611-0510

:
: DECISION ON
: RENEWED PETITION
: UNDER 37 CFR 1.78
:

This is a decision on the "Petition to Claim Priority", filed 22 January 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§119(e) and 120 for the benefit of the prior-filed provisional and nonprovisional applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

On 22 July 2005, applicant filed a petition under 37 CFR 1.78(a)(3).

On 16 March 2006, a decision dismissing applicant's petition under 37 CFR 1.78 was mailed to applicant indicating that applicant had failed to (1) clearly identify the intermediate nonprovisional application as claiming benefit to the provisional application and (2) make the proper statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

On 21 November 2006, applicant filed a renewed petition under 37 CFR 1.78.

On 03 January 2007, a decision dismissing the petition was mailed indicating that an explanation of lengthy delay in filing the renewed petition was necessary.

On 22 January 2007, applicant filed a renewed petition providing an explanation of the delay.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the above-noted, prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and (5)(ii). Therefore, this is a proper petition under 37 CFR 1.78.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) and (a)(5) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). In addition, the petition under 37 CFR 1.78(a)(3) and (a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§119(e) and 120 and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i) to the prior filed applications, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR

1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) and (a)(6) in that (1) a reference to the prior-filed nonprovisional and provisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii) and (a)(5)(iii) and (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted.

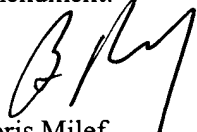
With respect to Item (3), Applicant has now provided a statement regarding the length of the unintentional delay between the mail date of the Decision of 16 March 2006 and the filing of the renewed petition on 21 November 2006.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 119(e) and 37 CFR 1.78(a)(1), (a)(2), (a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional and provisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Cynthia Kratz at (571) 272-3286. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1634 for appropriate action on the amendment filed 21 November 2006, including consideration by the examiner of applicant's substitute amendment.



Boris Milef
Legal Examiner
Office of PCT Legal Administration

Enclosure: Corrected Filing Receipt



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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
10/669,883	09/23/2003	1634	2092	0492611-0510 (MIT 10443)	160	6

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CONFIRMATION NO. 2224

CORRECTED FILING RECEIPT



OC000000023215150

Date Mailed: 04/02/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Scott Manalis, Cambridge, MA;
 Thomas Burg, Cambridge, MA;

Power of Attorney:

Theresa Devlin--45361

Domestic Priority data as claimed by applicant

This application is a CIP of 10/336,549 01/02/2003
 which claims benefit of 60/405,184 08/22/2002

Foreign Applications

If Required, Foreign Filing License Granted: 12/18/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/669,883**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ******Title**

Fabrication and packaging of suspended microchannel detectors

Preliminary Class

435

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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NOT GRANTED

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